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7 HARTFORD CASUALTY INSURANCE
8 COMPANY,
9 Plaintiff,
10 v.
11 FIREMAN'S FUND INSURANCE
12 COMPANY, et al.,
13 Defendants.

Case No. 15-cv-02592-SI

**ORDER ON SUPPLEMENTAL
BRIEFING**

Re: Dkt. No. 74

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13 Presently before the Court is Fireman's motion for summary judgment. The motion, now
14 set for hearing on July 8, 2016, was filed and briefing was completed prior to the June 30, 2016
15 non-expert discovery cutoff. Dkt. No. 74. Hartford opposes the motion both on substantive
16 grounds, and because it has yet to depose four witnesses (Donna M. Bacarti, Lynn Hadfield, and
17 the Persons Most Knowledgeable from Fireman's Fund and Burns & Wilcox) who are asserted to
18 be "necessary and critical to [its] prosecution of its case[.]" Dkt. No. 79 at 23.¹ Fireman's asserts
19 in reply that (1) Hartford has not indicated why such evidence was not discovered or obtained
20 earlier in the proceeding, and (2) Hartford has not demonstrated that these witnesses will proffer
21 additional evidence as to a material fact. Dkt. No. 86 at 18.

22 Since non-expert discovery has not closed, Hartford is entitled to take the four identified
23 depositions, and should do so forthwith, if it has not already. Under these circumstances, the
24 Court GRANTS Hartford leave to file a supplementary brief of no more than 15 pages, no later
25 than **July 1, 2016**, with any relevant material it has gathered from the four depositions. If Hartford
26 does so, Fireman's may file an opposition not to exceed 15 pages no later than **July 5, 2016**.

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28 ¹ The page numbers cited refer to the page numbers generated by ECF.

1 The Court will consider these submissions on the Court's **July 8, 2016** calendar along with
2 the two pending motions for summary judgment filed by Fireman's and Burns & Wilcox.

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4 **IT IS SO ORDERED.**

5 Dated: June 13, 2016

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10 SUSAN ILLSTON
11 United States District Judge